



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 05-1026-US)

PATENT

Pre Application of:

Vernon et al.

Serial No.: 10/527,543 ✓

Filing Date: January 18, 2006

For: Methods for Sterilization Using In Situ
Gelling Materials

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) Group Art Unit: 1614
)
) Examiner: TBD
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) Confirmation No.: 7174
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TRANSMITTAL LETTER

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

In regard to the above-identified U.S. patent application;

1. We are transmitting herewith the attached:

- ☒ Transmittal Letter (in Dup.)
- ☒ Information Disclosure Statement (IDS) (4 sheets);
- ☒ IDS Form 1449 (2 sheets);
- ☒ 2 Cited References (Copies of references 2-3 are enclosed herewith);
- ☒ Return Receipt Postcard.

1. With respect to fees:

- a) No fee is required.
- b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

2. CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10: The undersigned hereby certifies that this Transmittal Letter and the papers, as described hereinabove, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in a box addressed to: P.O. Box 1450, Alexandria, VA 22313-1450, on this 28th day of February, 2007. Express Mail No. **EV839377585US**.

Respectfully submitted,

David S. Harper, Ph.D.
Registration No. 42,636



PATENT

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(Case No. 05-1026-US)

In the Application of:

Vernon et al.

Serial No.: 10/527,543

Filed: January 18, 2006

For: Methods for Sterilization Using In Situ
Gelling Materials

Art Unit: 1614

Examiner: TBD

Confirmation No. 7174

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

This Information Disclosure Statement is being filed:

- ☒ within three months of the filing date of a national application; within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or before the mailing date of a first Office Action on the merits. 37 C.F.R. §1.97 (b)
- ☐ **after** three months of the filing date of a national application, or the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or **after** the mailing date of a first Office Action on the merits, but **before** the mailing date of a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), and includes (37 C.F.R. § 1.97 (c):
- ☐ the Certification under 37 C.F.R. § 1.97(e) (see “Certification” below)

OR

- ☐ the fee of \$180.00 set forth in 37 C.F.R. § 1.17(p) (see “Fees” below).
- ☐ **after** a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), but before, or simultaneously with, the payment of the issue fee, and includes the Certification under 37 C.F.R. § 1.97(e) (see “Certification” below), and the Petition Fee set forth in 37 C.F.R. § 1.17(i) (see “Fees” and “Method of Payment of Fees” below). Applicants hereby petitions for consideration of the Information Disclosure Statement submitted herewith and the accompanying references in examination of the subject patent application.

CERTIFICATION

- ☐ The **undersigned** hereby certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

FEES

☒
☐

No fee is owed by the applicant(s).

The IDS Fee of \$180.00 under 37 C.F.R. § 1.17(p) is enclosed herewith.

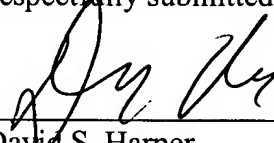
METHOD OF PAYMENT OF FEES

☐

Attached is a check in the amount of \$180.00

CERTIFICATE OF MAILING VIA EXPRESS MAIL DELIVERY under 37 C.F.R. § 1.10. I hereby certify that the attached paper of fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Commissioner for Patents, Box 1450, Alexandria, VA, 22313-1450, on this 28th day of February, 2007. Express Mail No. EV839377585US.

Respectfully submitted,



David S. Harper

Registration No. 42,636

United States Patents

1. Wallace, et al., U.S. Patent No. 5,989,580, Issued on November 23, 1999.

Foreign Documents

2. PCT Patent Publication No. WO 2000/44808, published August 3, 2000.

Other Documents

3. Vernon et al., "Water-borne, in Situ crosslinked biomaterials from phase-segregated precursors". J. Biomed Mater Res. A Volume 64(3), 2003, pages 447-456.

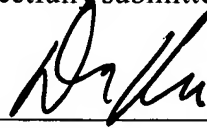
In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the

Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Respectfully submitted,

Date: February 28, 2007

By:



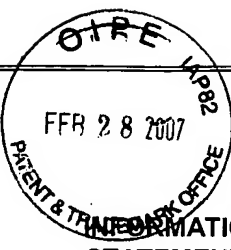
David S. Harper

Reg. No. 42,636

McDonnell, Boehnen Hulbert & Berghoff LLP

300 South Wacker Drive, Suite #3100

Chicago, IL 60606

FORM PTO-1449
(Rev. 2-32)U.S. Department of Commerce
Patent and Trademark OfficeINFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use several sheets if necessary)

Atty. Docket No.

05-1026-US

Serial No.

10/527,543

Applicant:

Vernon, et al.

Filing Date:

January 18, 2006

Group:

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1.	5,989,580	11/23/1999	Wallace, et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	2.	WO2000/44808	08/03/2000	PCT				

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

FORM PTO-1449
(Rev. 2-32)

U.S. Department of Commerce
Patent and Trademark Office

Atty. Docket No.

05-1026-US

Serial No.

10/527,543

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use several sheets if necessary)

Applicant:

Vernon, et al.

Filing Date:

January 18, 2006

Group:

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

Examiner Initial		
	3.	Vernon et al., "Water-borne, in situ crosslinked biomaterials from phase-segregated precursors". J. Biomed Mater Res. A Volume 64(3), 2003, pages 447-456.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.